

Appl. No.: 10/089,988
Amdt. dated 11/02/2005
Reply to Office action of 09/02/2005

REMARKS

This response is submitted in reply to the final Office Action dated September 2, 2005. Claims 19-40 currently stand rejected.

In light of the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present invention.

Claim Rejections - 35 USC §103

Claims 19, 20, 28-30, 35-36, 38 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cushion et al. (WO 99/23800, hereinafter "Cushion"). Claims 21-27, 31-34, 37 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cushion in view of Azartash et al. (WO 99/21343, hereinafter "Azartash").

Independent claim 19 recites, *inter alia*, when the device is in the closed configuration the processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display. In other words, the processor allows the display to show **streamed** text data while in the closed configuration. Thus, a user can view text **streamed** through the visible portion of the display without a need to scroll through text as would typically be required in order to view a text message on a mobile phone display. It is respectfully submitted that none of the cited references, taken either individually or in combination, teach the above-listed feature.

In an exemplary embodiment of the claimed invention, the communication device includes a body, a display and a cover. The cover includes an aperture, which allows the display to be viewed by a user even though the cover is in a closed configuration with respect to the body. The device also includes a processor which controls the display such that, when the cover is in the closed configuration, text is streamed across the display. This streaming of text across the display is contrary to typical well known display techniques which require user interaction to scroll across a text message in order to display the entirety of the text message.

Cushion discloses a cellular handheld telecommunications device having first and second parts (10) and (12) connected by hinges (14) and (16) to enable the first and second parts (10)

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and (12) to be folded or unfolded. The device of Cushion further includes a display (24) disposed in the first part (10) and a cutout (30) disposed in the second part (12) such that, when the device is folded, the display (24) is visible through the cutout (30). The Office Action asserts that Cushion teaches or suggests that when the device is in the closed configuration the processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display at page 6, line 14 to page 7, line 3. However, the entire disclosure of Cushion, in general, and the cited passage, in particular, fails to teach or suggest such feature. Specifically, Cushion fails to teach or suggest a processor that streams text over the visible portion of the display at all, much less that the processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display as claimed in independent claim 19. To the contrary, Cushion discloses a cross-switch (34) which is accessible when the device is folded. The cross-switch (34) is selectively operated to control the devices menu and give the user all normally available functions (page 4, lines 10-15). Thus, the cross-switch (34) may be operated repeatedly by the user to scroll through text as is well known in the art. In fact, the cross-switch (34) depicted in Figure 3 is an example of the type of joystick-like controller which would be used to scroll through text in such a manner as is well known in the art. Accordingly, it is submitted that Cushion not only fails to teach or suggest that when the device is in the closed configuration the processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display as claimed in independent claim 1, but further that Cushion teaches away from streaming text by virtue of its disclosure of a scrolling device in the form of the cross-switch (34).

Azartash is directed to a portable telephone device with a see-through flip element allowing a display of the device to be visible when folded. Azartash fails to teach or suggest that when the device is in the closed configuration a processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display. Furthermore, Azartash is not cited as teaching such feature.

Since neither Cushion nor Azartash alone teach or suggest that when the device is in the closed configuration the processor provides the received text to the user as text which streams, without repeated user input, through the visible portion of the display as claimed in independent

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claim 19, any combination of the cited references likewise fails to render independent claim 19 obvious for at least the same reasons described above. It is submitted that independent claims 38 and 40 recite substantially similar subject matter to that of independent claim 19 with respect to the streaming of text across visible portions of the display in the closed configuration. Thus, independent claims 38 and 40 are patentable for at least the same reasons as given above for independent claim 19. Claims 20-37 and 39 depend either directly or indirectly from respective ones of the independent claims 19 and 38, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 20-37 and 39 are patentable for at least those reasons given above for independent claim 19.

Although the dependent claims are patentable at least due to their dependency on patentable independent claims, it is submitted that at least some of the dependent claims recite further patentably distinguishing features. For example, dependent claim 21 recites, *inter alia*, responsive to movement of the cover from the closed position to the open position the format in which the text is displayed is changed. Cushion discloses no such feature and is not cited as such. Accordingly, Azartash is cited as curing such deficiency by disclosing at page 3, lines 23-27 that the display may be magnified for easy viewing when in the closed configuration. It is respectfully submitted that mechanical magnification of a display having a particular format does not constitute a format change. Rather, such magnification simply alters the way the text is perceived by the user. Furthermore, the claimed invention claims a format change when shifting from the closed position to the open position. Meanwhile, Azartash discloses the magnification being inserted when shifting from the open position to the closed position. Accordingly, Azartash fails to teach or suggest that responsive to movement of the cover from the closed position to the open position the format in which the text is displayed is changed. Thus, Cushion and Azartash, individually or in combination, fail to teach or suggest that responsive to movement of the cover from the closed position to the open position the format in which the text is displayed is changed as claimed in dependent claim 21. Such feature is also recited in independent claim 40 and represents still further patentable subject matter in claim 40. Dependent claims 22-25 depend from dependent claim 21 and are thus patentable at least due to

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their dependency on dependent claim 21. Thus, claims 21-25 and 40 contain yet further patentable subject matter over the cited references.

Accordingly, for all the reasons stated above, Applicant respectfully submits that the rejections of claims 19-40 are overcome.

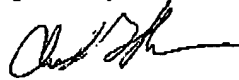
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CONCLUSION

In view of the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

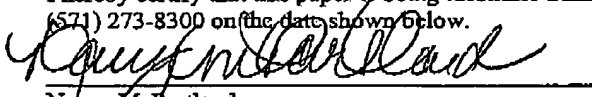


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